

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

PATRICIA WOODBECK, for
herself and on behalf of those
similarly situated

Plaintiff,

v.

Case No: 2:20-cv-846-SPC-NPM

ROSIE'S CAFE & GRILL, INC.,
JOANNE FITZGERALD and
IRVING GAVIN,

Defendants.

_____ /

ORDER¹

Before the Court is a letter sent by Eugene Gavin (a nonparty) asking the Court to dismiss this case against his son Defendant Irving Gavin, who passed away a few weeks ago ([Doc. 18](#)). It is improper for anyone to file letters requesting relief. [Local Rule 3.01\(j\)](#). What's more, the Court cannot simply dismiss defendants from an action based on letters sent by nonparties. So the letter is struck from the docket. Yet the letter notifies Plaintiff and the other Defendants of Irving Gavin's death. So the parties should take note and file

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any necessary dismissal or substitution. See [Fed. R. Civ. P. 25\(a\)](#) (governing the proper procedure following a party's death).

Accordingly, it is now

ORDERED:

The Court **STRIKES** nonparty Eugene Gavin's letter ([Doc. 18](#)).

DONE and **ORDERED** in Fort Myers, Florida on February 17, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record